

401 KAR 8:022. Sanitary surveys.

RELATES TO: KRS 224.10-100, 224.10-110, 40 C.F.R. 141.300, 141.401, 141.403, 142.10(2), 142.16(b), EO 2008-507, 2008-531

STATUTORY AUTHORITY: KRS 224.10-100(28), 224.10-110, 40 C.F.R. 142.10(b)(2), 142.16(b), 42 U.S.C. 300f, 300g, 300h, 300j EO 2008-507, 2008-531

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 and 224.10-110 require the cabinet to promulgate administrative regulations for the regulation and control of the purification of water for public and semipublic use. EO 2008-507 and 2008-531, effective June 16, 2008, abolish the Environmental and Public Protection Cabinet and establish the new Energy and Environment Cabinet. This administrative regulation establishes the requirements for conducting sanitary surveys and requirements on the public water system subject to a sanitary survey.

Section 1. (1) The cabinet shall conduct a sanitary survey of a public water system in accordance with the requirements of 40 C.F.R. [142.16\(b\)\(1\)\(ii\)](#), [\(iii\)](#), and [142.16\(b\)\(3\)](#) for systems using surface water as a source.

2. The cabinet shall conduct a sanitary survey of a public water system in accordance with the requirements of 40 C.F.R. [141.400](#), [141.401](#), [141.403](#), [142.16\(o\)](#) for systems using groundwater as a source.

Section 2. System Requirements. (1) If the cabinet identifies a deficiency of a public water system in a sanitary survey report that is not significant, the public water system shall correct or otherwise address the deficiency.

(2) A deficiency shall be a significant deficiency if:

(a) It is part of a recurring pattern of noncompliance with the administrative regulations in 401 KAR Chapter 8;

(b) It poses a potential threat to public health or safety;

(c) The system fails to implement the items identified in a compliance correction program, pursuant to [40 C.F.R. 142.16\(g\)\(1\)](#); or

(d) The deficiency is identified as significant pursuant to the requirements of [40 C.F.R. 142.16\(o\)\(2\)\(iv\)](#). (28 Ky.R. 1272; Am. 1887; 2018; eff. 3-18-2002; 35 Ky.R. 2806; 36 Ky.R. 581; eff. 9-25-2009.)